

James Madison to Thomas Jefferson, March 15, 1800. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO THOMAS JEFFERSON. MAD. MSS.

March 15, 1800.

Dear Sir, —Since my last I have been favored with the following inclosures.—The Bill relating to Electors¹ Ramsay's oration, the Report on ways &

¹ The bill "Prescribing the mode of deciding disputed elections of President and Vice President of the United States" originated in the Senate. It provided that the Senate and House should "on the — next following the day when a President and Vice President shall have been voted for" each choose four members to form a joint committee with power to examine into all disputes relative to the election of President and Vice President, except such as might relate to the number of votes by which the electors had been chosen. If the two houses on report of the joint committee should concur in rejecting any votes cast for President and Vice President they should not be counted. The bill was amended in the House, passed May 2, again amended by the Senate and finally rejected because of the Senate amendments May 10. *Annals of Cong.*, 6th Cong., 1779–1801, 694, 695, 697, 713.

means, a motion by Bingham, and the resolution for excluding the Judges from other offices.

It is not to be denied that the Constn. might have been properly more full in prescribing the election of P. & V. P. but the remedy is an amendment to the Constn., and not a legislative interference. It is evident that this interference ought to be and was meant to be as little

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permitted as possible; it being a principle of the Constn. that the two departments should be independent of each other, and dependent on their Constituents only. Should the spirit of the Bill be followed up, it is impossible to say, how far the choice of the Ex. may be drawn out of the Constitutional hands, and subjected to the manage

ment of the Legislature. The danger is the greater, as the Chief Magistrate, for the time being may be bribed into the usurpations by so shaping them as to favor his re-election. If this licentiousness in constructive perversions of the Constitution, continue to increase, we shall soon have to look into our code of laws, and not the Charter of the people, for the form as well as the powers of our Government. Indeed such an unbridled spirit of construction as has gone forth in sundry instances, would bid defiance to any possible parchment securities against usurpation.

I understand that the general ticket law is represented at Phila as generally unpopular. I have no reason to believe this to be the fact. On the Contrary, I learn that the information collected at Richmond on this subject is satisfactory to the friends of the law.

The ground has been covered for six weeks with snow; and there is still a remnant of it. It has given a very unusual backwardness to all the preparations for the ensuing crops, but we hope for some amends from its influence on the winter grain.